

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| COMMONWEALTH OF PENNSYLVANIA, | : | |
| ET AL. | : | |
| | : | |
| v. | : | CIVIL ACTION NO. 20-4096 |
| | : | |
| LOUIS DEJOY | : | |
| <i>IN HIS OFFICIAL CAPACITY AS</i> | : | |
| <i>UNITED STATES POSTMASTER GENERAL,</i> | : | |
| ET AL. | : | |

ORDER

This 25th day of August, 2021, having considered the parties' cross-motions for summary judgment, ECF 119, 125, and Defendants' motion to clarify the preliminary injunction, ECF 116, for the reasons set forth in the accompanying memorandum of law, it is hereby **ORDERED** as follows:

1. As set forth in Plaintiffs' motion, ECF 119, Plaintiffs' Counts III and IV are **DISMISSED WITHOUT PREJUDICE** as moot;
2. Defendants' motion for summary judgment, ECF 125, is **GRANTED** in part, as follows:
 - a. Plaintiffs' Count I is **DISMISSED WITH PREJUDICE** as moot;¹
 - b. As to Count II, Plaintiffs' claims that Defendants failed to "develop, promote, and provide adequate and efficient postal services" under 39 U.S.C. 403(a) are **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction;
 - c. As to Count II, Plaintiffs' claims as to the Do-It-Now Initiatives, with the exception of those claims relating to late and extra trips and overtime policies, are **DISMISSED WITH PREJUDICE** for lack of Article III Standing.
3. As to the issues resolved pursuant to Paragraph 2, above, Plaintiffs' cross-motion for summary judgment is correspondingly **DENIED**.

¹ This Court's preliminary injunction, ECF 63, 70, is correspondingly **VACATED** and Defendants' motion to clarify, ECF 116, is therefore **DENIED** as moot.

4. As to Plaintiffs' remaining Count II claims that Defendants' late and extra trips and overtime policies violated 39 U.S.C. §§ 403(a-b) (requiring the Postal Services to "plan . . . adequate and efficient postal services" and to "maintain an efficient system of collection, sorting, and delivery of the mail"), and § 101(e) (requiring the Postal Service to give "highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail"), the cross-motions of the parties are **DENIED WITHOUT PREJUDICE**, with leave to re-file following an evidentiary hearing as to preliminary issues of standing.

/s/ Gerald Austin McHugh
United States District Judge